

**216B.400 Emergency care -- Examination services for victims of sexual offenses -- Examination expenses paid by Crime Victims' Compensation Board.**

- (1) Where a person has been determined to be in need of emergency care by any person with admitting authority, no such person shall be denied admission by reason only of his inability to pay for services to be rendered by the hospital.
- (2) Every hospital of this state which offers emergency services shall provide that a physician or a sexual assault nurse examiner, who shall be a registered nurse licensed in the Commonwealth and credentialed by the Kentucky Board of Nursing as provided under KRS 314.142, is available on call twenty-four (24) hours each day for the examinations of persons reported to any law enforcement agency to be victims of sexual offenses as defined by KRS 510.010 to 510.140, 530.020, 530.064(1)(a), and 531.310.
- (3) An examination provided in accordance with this section of a victim of a sexual offense may be performed in a sexual assault examination facility as defined in KRS 216B.015. An examination under this section shall apply only to an examination of a victim.
- (4) The physician or sexual assault nurse examiner, acting under a statewide medical protocol which shall be developed by the chief medical examiner, and promulgated by the secretary of justice pursuant to KRS Chapter 13A shall, upon the request of any peace officer or prosecuting attorney, and with the consent of the reported victim, or upon the request of the reported victim, examine such person for the purpose of gathering physical evidence. This examination shall include but not be limited to:
  - (a) Basic treatment and evidence gathering services; and
  - (b) Laboratory tests, as appropriate.
- (5) Each reported victim shall be informed of available services for treatment of venereal disease, pregnancy, and other medical and psychiatric problems. Pregnancy counseling shall not include abortion counseling or referral information.
- (6) Each reported victim shall be informed of available crisis intervention or other mental health services provided by regional rape crisis centers providing services to victims of sexual assault.
- (7) Notwithstanding any other provision of law, a minor may consent to examination under this section. This consent is not subject to disaffirmance because of minority, and consent of the parents or guardians of the minor is not required for the examination.
- (8)
  - (a) The examinations provided in accordance with this section shall be paid for by the Crime Victims' Compensation Board at a rate to be determined by the administrative regulation promulgated by the board after consultation with the Sexual Assault Response Team Advisory Committee as defined in KRS 403.707.
  - (b) Upon receipt of a completed original claim form supplied by the board and itemized billing for a forensic sexual assault examination, the board shall reimburse the hospital or sexual assault examination facility, and the

physician or sexual assault nurse examiner as provided in administrative regulations promulgated by the board pursuant to KRS Chapter 13A. Reimbursement shall be made to an out-of-state nurse who is credentialed in the other state to provide sexual assault examinations, an out-of-state hospital, or an out-of-state physician if the sexual assault occurred in Kentucky.

- (c) Independent investigation by the Crime Victims' Compensation Board shall not be required for payment of claims under this section; however, the board may require additional documentation or proof that the forensic medical examination was performed.
- (9) No charge shall be made to the victim for sexual assault examinations by the hospital, the sexual assault examination facility, the physician, the sexual assault nurse examiner, the victim's insurance carrier, or the Commonwealth.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 182, sec. 57, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 73, sec. 2, effective April 6, 2004. -- Amended 2002 Ky. Acts ch. 20, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 142, sec. 6, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 260, sec. 1, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 274, sec. 1, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 175, sec. 1, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 368, sec. 1, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 352, sec. 1(1).

**Formerly codified as** KRS 216.453.

**2006-2008 Budget Reference.** See State/Executive Branch Budget, 2006 Ky. Acts ch. 252, Pt. I, F.13.(1), at 1180; and State/Executive Branch Budget Memorandum, 2006 Ky. Acts ch. 257, at 2609 (Final Budget Memorandum, at 918).